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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/602,245	06/23/2003	Len Chan	OIC0052US	1154
6/6/75 7590 03/07/2008 CAMPBELL STEPHENSON LLP 11401 CENTURY OAKS TERRACE BLDG. H, SUITE 250 AUSTIN, TX 78758				
EXAMINER				
MOONEYHAM, JANICE A				
ART UNIT		PAPER NUMBER		
3689				
MAIL DATE		DELIVERY MODE		
03/07/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/602,245

Applicant(s)

CHAN ET AL.

Examiner

JANICE A. MOONEYHAM

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/30/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11,13-17 and 21-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1,3,5-9,11,13-17 and 21-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to the applicant's communication filed on November 30, 2007, wherein:

Claims 1, 3, 5-9, 11, 13-17, 21-30 are currently pending;

Claims 2, 4, 10, 12, 18, 20, and 31 have been cancelled;

Claims 25-30 are new.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 30 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The applicant has added claim 30 which is directed to a limitation of:

*associating a set of factors with said one or more function spaces; and
assigning a corresponding weight to each factor in said set of factors.*

The applicant's specification states as follows:

[0053] Embodiments of the invention may be applied to provide a function space reservation system that allows sophisticated and complex availability and pricing algorithms to be employed to provide real-time availability determinations and price quotes.

[0054] *Any number of algorithms may be applied that consider varying **sets** of factors, or assign greater or **lesser weight to each of the factors**. For example, at a particular property, day-of-the-week may be a heavily weighted factor for reservations for function space on Friday or Saturday evenings. Another property may not even consider time-of-year or factor it differently. For example, at a property in a country where Christmas is celebrated (e.g., the U.S.), function space for a Saturday evening in mid-December may be priced at a premium, whereas comparable function space for the same day at a property in a different country (e.g., Iraq) may be priced at a discount.*

Thus, applicant has not described the algorithms, the factors or how they or weighted or assigned in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 7-8, 13, 15-16, 21 and 23-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 depends on claim 1, claim 13 depends on claim 9, and claim 21 depends on claim 17. Claims 1, 9 and 17 have the limitation of "automatically providing a real-time price quote for the requested function space based on the set of pricing rules **even when it is determined that the requested function space satisfying one or more of the plurality of criteria is unavailable**". Claims 5, 13, and 21 have a limitation of "receiving an acceptance of the price quote from the requested function space from a

user and establishing a reservation for the requested function space". How can you reserve something that is unavailable? Claims 7-8 depend on claim 5, claims 15-16 depend on claim 13, and claims 23-24 depend on claim 21.

4. New claims 25-27 state that the request includes a plurality of criteria selected from a group of criteria consisting of current demand. It is not clear to the Examiner what applicant means by this. Current demand generally affects that price quote of an amenity. However, that would not be a criteria received in a request for someone wanting to make a reservation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 9, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bingham et al (US 2002/0069094) (hereinafter referred to as Bingham) in view of Patullo et al (US 2005/0033613) (hereinafter referred to as Patullo).

Referring to Claims 1, 9, and 17:

Bingham discloses a method, a machine readable medium for providing instructions which cause the processor to perform the method (page 3 [0025]), and a system (Figs. 1, 2a, 2b, 3) for performing the method comprising:

receiving a request ([0008] **a reservation request is received from a user**) for a function space (**resources for meetings**) at a digital processing system (**Internet based system**), the digital processing system containing an availability information for one or more function spaces at a plurality of remote properties (**multiple meeting facility resources**) and a set of pricing rules for one or more function spaces (Examiner interprets this as rules for determining the price of the space), **Binham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources [0029] and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) [033]**, the request including a plurality of criteria, (**[0008] the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules**), (**Figure 4 and [0029] meeting facility criteria are received (block 404) from the user via a graphical interface**), **[0030] a customer profile, a reservation rule, a reservation quota, and meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the retrieved reservation rule [0033] a price for the defined meeting package is generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to reduced prices for hotel**

guest room and other services (pricing rule corresponding to a criterion) [0038] a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Fig. 4 (404), (410);

determining an availability of the requested function space based upon the availability information and one or more of the criterion (***Fig. 5 (512) Are the Specified Meeting Facility Resources Available for Reservation?, page 1 [0008], page 4 [0033];*** and

automatically providing a real-time price quote for the requested function space based upon the set of pricing rules (***[0033] If sufficient meeting facility resources are available to cover those desired by the user as described in the meeting facility criteria then a meeting package definition is generated using the specified meeting facility resources (block 514), a price for the defined meeting package is generated based upon the retrieved customer profile (block 516), and the meeting package definition; Figure 11 Reserve room for more than 7 nights and get 10% off; Fig. 5 (516) Price the Meeting Package Based on the Customer Profile; [0008] the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory data, or facility reservation rules;*** real time -page 1 [0008] – a customer profile associated with the user may be used to determine the *price* of the meeting package or its component resources. The meeting package may be defined or reserved based on various

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meeting facility criteria input by the user, *real time* facility inventory data, or facility reservation rules. Fig. 5 [516], page 4 [0033], page 5 [0038].

Bingham does not disclose providing a price quote for the request when it is determined that the request is unavailable.

The applicant's specification discloses:

[0012] Embodiments of the invention provide systems and methods to provide an availability and price determination in response to **a request** for function space. For one embodiment, **a request** for a function space is received at a digital processing system that contains availability information and a set of pricing rules for one or more function spaces. The request includes a plurality of criteria. ***An availability of the requested function space is determined based upon the availability information and one or more of the criterion. A price for the requested function space is determined based upon the set of pricing rules and one or more of the criterion.***

[0034] As described, embodiments of the invention ensure that a customer is quickly provided with a determination of availability and a price quote. This increases the likelihood that a reservation will be established. Further, embodiments of the invention help to ensure that all of the numerous and complex pricing rules will be employed to produce an accurate price quote. This helps to ensure that the price quote provided is competitive and exploits market conditions to increase revenue. ***For alternative embodiments, a price quote may be determined even where the requested function space is unavailable to establish an optioned reservation. The function space is maintained as unreserved and if it subsequently becomes available, a reservation is established.***

[0038] For purposes of illustrating an embodiment of the invention, central reservation DPS 305 may be a central processing system and database for a multi-location hotel chain with customers and local sales managers accessing the reservation management system 306 to obtain availability and pricing information for function space at one or more individual properties. For example, a customer could enter the specifics of **a function space reservation request** via a hotel chain website and receive, in fairly short order, a definitive response in regards to availability and pricing for the requested function space. This means the customer no longer has to wait hours or days for a response and is therefore less likely to inquire of competitors. ***Additionally, or alternatively, a sales manager at an individual hotel property could enter the specifics of a function space reservation request***

and receive a price quote based upon consideration of a number of complex factors aimed at increasing revenue. This decreases the likelihood that a sales manager will fail to consider one or more revenue-increasing pricing factors.

Therefore, the Examiner is interpreting this limitation as simply providing a price quote without regard to availability.

Patullo discloses direct price quote requests (Figure 4) even if the request is unavailable on certain dates [0023] [[0031]0033].

It would have been obvious to one of ordinary skill in the art to incorporate into the reservation system of Bingham the price quotes taught in Patullo so as to provide enhanced convenience for the user by providing the user with pricing package information after entry of the information into the request display. One would be motivated to include this information so that a user can have an idea of what prices are for different amenities and to comparison shop, finding out if the price information is in line with market rates. Often people use price quotes to get an idea how much a particular reservation request is going to cost and use these quotes in making a determination of which facility to commit to for a reservation. Therefore, it would have been obvious to provide a price quote to a user searching for reservation information since in the reservation industry it is common business practice to provide a price quote to a user such as if one calls a hotel to get rates on single rooms, double rooms, luxury suites, rooms with balconies over the ocean, etc.

Referring to Claims 3, 11, and 19:

Bingham discloses a method, medium and system wherein the plurality of remote properties are individual hotels of a hotel chain (Figs. 11-12).

Referring to Claims 5, 13 and 21:

Bingham discloses method, medium and system further comprising:
receiving an acceptance of the price for the requested function space from the user; and
establishing a reservation for the requested function space (Fig. 4 (416), Fig. 5 (516),
Fig. 12 (confirmation number, grand total), page 5 [[0037]]).

Referring to Claims 6, 14 and 22:

Bingham discloses a method, medium and system further comprising receiving a
rejection of the price for the requested function space from the user; and
providing alternatives to one or more of the plurality of criteria in real-time (Figs. 4-5,
Fig. 11 alternatives are presented with differing prices).

Referring to Claims 7, 15 and 23:

Bingham discloses a method, medium and system wherein establishing a
reservation for the requested function space includes allocating a function space of a
specified category, the category specified by one or more category related criteria
included in the plurality of criteria of the request (Figs. 4-5, page 1 [0008]).

Referring to 8, 16 and 24:

Bingham discloses a method, medium and system wherein the category related
criteria include one or more criterion selected from the group consisting of attendance
(Fig. 7 (706), event type (customer type Fig. 4) (page 4 [0033]), setup styles (Fig. 9
(906) (Setup Classroom) and area (Fig. 7 (708) (Figs 7-14)).

Referring to Claims 24-27:

Binham discloses wherein the criteria includes criteria selected from a group of criteria consisting of date (Figure 4), day-part, (Figure 9), current demand (Figure 11) and supplementary sales [0029][0034] (supplementary sales as defined by applicant in the specification in paragraph [49] For example, the price at which a ballroom for a particular event is rented may be determined by consideration of many factors, including the profit on supplementary sales, such as food and beverages served at the event, and the number of guest rooms rented in conjunction with the Event – Binham discloses received meeting facility criteria including meeting room and guest room meeting facility resources. In the alternative embodiment, the received meeting facility criteria also include desired food and beverage service meeting facility resources [0029] and a price for the defined meeting package is generated based upon the retrieved customer profile (block 516) [0033], the request including a plurality of criteria, ([0008] the meeting package may be defined or reserved based on various meeting facility criteria input by the user, real time facility inventory, or facility reservation rules), (Figure 4 and [0029] meeting facility criteria are received (block 404) from the user via a graphical interface), [0030] a customer profile, a reservation rule, a reservation quota, and meeting facility inventory are retrieved. Thereafter the retrieved reservation rule is applied to determine whether the user input meeting facility criteria satisfy the retrieved reservation rule [0033] a price for the defined meeting package is generated based upon the retrieved customer profile. In one embodiment, customer profile includes a customer type designation such as corporate or government which entitles the designated customer to

reduced prices for hotel guest room and other services (pricing rule corresponding to a criterion) [0038] a meeting facility employee may adjust room pricing values such as the corporate room rate and resource availability such as the number or booked or available meeting rooms Fig. 4 (404), (410).

Referring to Claim 28:

Bingham discloses dividing one or more spaces into at least one specific space (meeting room space) and at least one category space (number of subdivisions in a meeting room space) and concurrently evaluating the at least one specific space and at least one category space as part of the determining the availability of the requested function space ([0039] air wall rule is a factor or multiplier which describes the number of subdivisions a meeting room space can be divided into for reservation using either physical dividers such as moveable room partitions, booths, etc. or intangible means such as area or section assignments for each meeting or event; air wall factor is utilized to determine capacity and availability of meeting room space and as a reservation rule requiring that a certain number of meeting room subdivisions be reserved or the reservation of subdivided meeting room space is acceptable). Patullo discloses a user to specify a room number [0039] (This also is a specific space as defined in applicant's specification).

Referring to Claim 29:

Patullo discloses displaying a hierarchical relationship between said categories and their specific space components ([0033] the user is informed of the dates when a room category (for multiple categories) are unavailable).

[0065] For one embodiment the graphical representation will display a hierarchical relationship between categories and their specific space components. Tying the different types of bookings with the vertical axis, ***allows the user to see the availability over a given time period for particular spaces as empty slots in graphical display.***

7. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bingham and Patullo as applied to claim 1 above, and further in view of Bingham et al. (US 2002/0065689) (hereinafter referred to as Meeting Site).

Referring to Claim 30:

Bingham and Patullo disclose the limitations of claim 1. Bingham does not disclose associating a set of factors with one or more function spaces and assigning a corresponding weight to each factor in said set of factors.

Applicant's specification discloses:

[0054] *Any number of algorithms may be applied that consider varying **sets of factors, or assign greater or lesser weight to each of the factors.** For example, at a particular property, day-of-the-week may be a heavily weighted factor for reservations for function space on Friday or Saturday evenings. Another property may not even consider time-of-year or factor it differently. For example, at a property in a country where Christmas is celebrated (e.g., the U.S.), function space for a Saturday evening in mid-December may be priced at a premium, whereas comparable function space for the same day at a property in a different country (e.g., Iraq) may be priced at a discount.*

Therefore, Meeting Site discloses associating a set of factors with said one or more function spaces and assigning a corresponding weight to each factor in said set of factors as identified by applicant in the specification ([0034] a hotel determines that it will likely have unused capacity during the month of October, it may reduce the rate it charges for guest or meeting rooms. This tends to improve the hotel's ranking in the

search results, and thus improve the hotel's chances of attracting business.

Conversely, if a hotel expects to be full during a given time period it may increase its rates for that time period; [0040] processor receives hotel selection criteria, attendee origin information and meeting preferences for a search[0049-0050] list of minimum requirements; [0056-0057] [0061][0064-0065] [0069-0071]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate into Bingham the factors and ranking taught in Meeting Site so that the user can better understand the relationship between price and amenities by calculating an all inclusive cost for the meeting at each of a plurality of potential meeting facilities based on dates and request criteria. The user can sort and/or filter results based on available amenities, cost and quality allowing the user to have the necessary information to find the meeting site that offers the best value.

Response to Arguments

Applicant's arguments filed November 30, 2007 have been fully considered but they are not persuasive.

The applicant's argument is that neither Bingham nor Capek or Luxor, either alone or in combination, teach or suggest the method recited independent claim 1 of "automatically providing a real-time price quote for the requested function space based on the set of pricing rules ***even when it is determined that the requested function space satisfying the one or more of the plurality of criteria is unavailable.*** This argument is moot due to the new grounds of rejection necessitated by the amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JANICE A. MOONEYHAM whose telephone number is (571)272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Janice A. Mooneyham/
Primary Examiner, Art Unit 3629

